



# Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

## PART 3

### CIVIC LICENSING

#### *Miscellaneous and general*

#### **82 Civic licensing standards officers**

After Part 3 of the 1982 Act insert—

#### **“PART 3A**

#### **CIVIC LICENSING STANDARDS OFFICERS**

#### **45G Civic licensing standards officers**

- (1) Each local authority must appoint for their area one or more officers (a “civic licensing standards officer”)—
  - (a) to exercise, in relation to the authority's area, the general functions conferred on civic licensing standards officers by virtue of section 45H, and
  - (b) to exercise any other functions that may be conferred on such an officer by virtue of this or any other enactment.
- (2) A civic licensing standards officer appointed by a local authority is taken to be an authorised officer of the authority for the purposes of Parts 1 to 3.
- (3) A person may hold more than one appointment under subsection (1) (so as to be a civic licensing standards officer for more than one local authority area).

*Status: Point in time view as at 01/05/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 82. (See end of Document for details)*

- (4) Nothing in this section prevents an officer of a local authority other than a civic licensing standards officer from being an authorised officer of the authority for a purpose of Parts 1 to 3.
- (5) In this Part, a reference to a local authority includes a reference to that authority acting as the licensing authority for their area and a reference to an authorised officer of a local authority (however expressed) is to be construed accordingly.

#### 45H **General functions of a civic licensing standards officer**

- (1) The general functions of a civic licensing standards officer are—
  - (a) to provide to any interested person information and guidance concerning the operation of Parts 1 to 3 in the officer's area,
  - (b) to supervise the compliance by the holder of a licence granted under Parts 1 to 3 in the officer's area with—
    - (i) the conditions of the licence, and
    - (ii) the other requirements of Parts 1 to 3,
  - (c) to provide mediation services for the purposes of avoiding or resolving disputes or disagreements between—
    - (i) the holder of a licence granted under Parts 1 to 3 in the officer's area, and
    - (ii) any other person,
 concerning any matter relating to compliance with the conditions of the licence or the other requirements of Parts 1 to 3.
- (2) The function under subsection (1)(b) includes, in particular, power for a civic licensing standards officer, where the officer believes that a condition to which the licence is subject has been or is being breached—
  - (a) to give a notice to the holder of the licence requiring such action to be taken to remedy the breach as may be specified in the notice, and
  - (b) to refer the breach to the local authority which granted the licence for consideration at a meeting of the authority.
- (3) A civic licensing standards officer may only refer a breach of a condition under subsection (2)(b) if—
  - (a) the officer has given notice under subsection (2)(a) and the holder of the licence has failed to comply with it, or
  - (b) the officer considers that it is appropriate for the breach to be referred to the authority without such a notice being given.
- (4) In this section, a reference to an officer's area is a reference to—
  - (a) the local authority area for which the officer is appointed under section 45G(1), or
  - (b) where the officer is appointed for more than one local authority area, the area for which the officer is exercising a function at the relevant time.”.

#### **Commencement Information**

**II** S. 82 in force at 1.5.2017 by S.S.I. 2016/307, art. 2, sch.

**Status:**

Point in time view as at 01/05/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 82.